

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GUARDIAN INDUSTRIES CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action. No. 05-27-SLR
DELL, INC. et al.,)	
)	
Defendants.)	
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**LITE-ON'S MOTION TO STAY PENDING RESOLUTION OF THE
CASES AGAINST LCD MODULE MANUFACTURERS**

Defendants Lite-On Technology Corporation and Lite-On, Inc. ("Lite-On") respectfully move this Court to enter an Order staying the above-captioned action against Lite-On pending the final resolution of Plaintiff Guardian Industries Corporation's ("Guardian") claims against the liquid crystal display ("LCD") product manufacturers in this action. The four patents asserted by plaintiff Guardian are directed to specific components of LCDs. In addition to suing the companies that manufacture LCDs or their components, Guardian has also sued customers of those and other LCD manufacturers. Lite-On is an LCD customer. It purchases LCD panels, modules and other LCD related components from LCD manufacturers and then assembles them into monitors as an original equipment manufacturer (OEM) and/or original design manufacturer (ODM) for third parties, such as Dell, Inc. Lite-On is therefore a customer of the LCD manufacturers with limited knowledge and information about the design and manufacture of the LCD products that it purchases.

The LCD manufacturers, not LCD customers like Lite-On, are the real parties in interest in this case. The LCD manufacturers are the parties with detailed knowledge of the design, structure and manufacture of the allegedly infringing LCDs, and the parties with the information and documentation to defend against Guardian's claims. The manufacturers who supply Lite-On are set forth in the attached Declaration of Edward Chen (Exhibit A hereto). In an attempt to simplify this case, Lite-On now moves to stay the action, thereby allowing the LCD manufacturers to logically take the lead. Further, staying this case against Lite-On and the other customer defendants pending resolution of Guardian's claims against the LCD manufacturers would further the interests of justice and litigation efficiency and economy by significantly streamlining and simplifying the issues, discovery, and trial in this complex, multi-party case. *See Honeywell Int'l Inc. v. Audiovox Communications Corp*, C.A. No. 04-1337-KAJ, slip op. at 6-7 (D. Del. May 18, 2005) (Exhibit B hereto); *Commissariat A L'Energie Atomique v. Dell Computer Corp.*, C.A. No. 03-484-KAJ, 2004 WL 1554382, at *3 (D. Del. May 13, 2005) (Exhibit C hereto).

Lite-On joins in and incorporates by reference the points and authorities set forth in the briefs in support of the motions to stay filed by Dell, Inc. on June 3, 2005 and Gateway, Inc. on June 8, 2005, and the Declaration of Edward Chen, June 10, 2005 (Exhibit A hereto), as grounds for this Motion. A proposed Order granting Lite-On's motion is submitted herewith as Exhibit D.

Rule 7.1.1 Certification. Counsel for Lite-On have consulted with counsel for Plaintiff Guardian Industries Corporation pursuant to Delaware Local Rule 7.1.1 and have been advised that Plaintiff will not consent to the relief sought by this Motion.

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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on June 10, 2005, true and correct copies of the within document were caused to be served on the attorney of record at the following addresses as indicated:

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